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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,540	10/10/2003	Catherine Rotering	10971666-4	2634

7590 01/07/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
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EXAMINER

NGUYEN, LAM S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,540	Applicant(s) ROTHERING, CATHERINE	
	Examiner LAM S NGUYEN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-19 and 27-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19, 27-30 and 36-39 is/are allowed.
- 6) ☒ Claim(s) 31 and 34 is/are rejected.
- 7) ☒ Claim(s) 32, 33 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 31 is withdrawn in view of the reconsideration the previously cited reference to Osborne et al. (US 5712668). The rejections are made as follows.

Terminal Disclaimer

The terminal disclaimer filed on 10/15/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the patent US 6050671 has been reviewed and is accepted. The terminal disclaimer has been recorded. As a result, the double patenting rejection referring to claim 16 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 31, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne et al. (US 5712668) in view of Matsui et al. (US 5896143).

Osborne et al. discloses a spittoon for receiving ink spit from a printhead, comprising:

an ink spit receiving structure defining a mouth (*FIG. 8: The upper edge of the tapered side walls defines the receiving ink mouth of the spittoon*) to receive ink from the printhead (*FIG. 8, element H*);

an ink accumulating structure (*FIG. 8: The bottom wall*) coupled to receive ink

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from the ink spit receiving structure, the accumulating structure having a bottom wall with an area sized smaller than the mouth size (*FIG. 8: The area of the bottom wall is smaller than the one of the mouth*); and

an ink transfer structure (*FIG. 8: The tapered walls*) extending from the ink spit receiving structure to the ink accumulating structure, comprising side walls which taper downwardly and inwardly from the mouth to join the bottom wall (*FIG. 8: The tapered walls connect the mouth and the bottom wall*).

Osborn et al. is silent that the mouth is sized to receive ink from only a single one of a plural printheads at a given time and wherein said mouth has a substantially rectangular shape (**Referring to claim 34**).

Matsui et al. discloses a printing apparatus having a plurality of printheads (*FIG. 15, elements 1A-1D*) and spittoons (*FIG. 15, element 30*) for receiving ink previously discharged from the printheads, wherein a mouth of one of the spittoons is sized to receive ink from only a single one of a plural printheads at a given time (*FIG. 15: The spittoon 30 receives ink discharged from the printhead 1B*) and has a substantially rectangular shape (*FIG. 16, element 30*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the spittoon disclosed by Osborne et al. such as sizing the mouth of the spittoon to receive ink from only a single one of a plural printheads at a given time as disclosed by Matsui et al. The motivation for doing so would have been to eliminate the necessity of widening the width of the recording apparatus even if the structure comprises a plurality of recording heads as taught by Matsui et al. (*column 19, lines 55-60*).

Allowable Subject Matter

2. Claims 16-19, 27-30, 36-39 are allowed and claims 32-33, 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 27-30 and 36-39: The reasons for allowance were indicated in the previous office action.

Referring to claim 16: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that a spittoon within the servicing region configured to accumulate a puddle of the first ink formulation therein followed by spitting the second ink formulation into said puddle, and to splatter the second ink formulation out of said puddle for evaporation of the said second components and accumulation of said non-dried ink sludge beyond said puddle is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Referring to claims 32 and 35: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that wherein the ink spit receiving structure includes plural adjoining side walls which are substantially upright, with each sidewall having an upper edge which define said mouth is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Referring to claim 33: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that wherein the ink accumulating structure includes a pair of opposing angled side walls which extend

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angularly away from the bottom wall is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Claims 17-19 are allowed because they depend directly/indirectly on claim 16.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (571)272-2151.

The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
December 30, 2004


HAI PHAM
PRIMARY EXAMINER